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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kapeles et al.  
Serial No.: 10/674,047  
Filed: 09/29/2003  
For: Frangible Non-Lethal Projectile  
Art Unit: 3644  
Examiner: Lofdahl

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**AMENDMENT AND RESPONSE**

This communication is in response to a first office action with mail date of November 4, 2004, in which the Examiner has rejected claim 22 under Section 112, claims 1, 3-10, 12-14, 16-23, 25-27, 20 and 30 under Section 103(a) as obvious over Luxton '183 in view of Royer '821, and claims 2, 11, 15, 24, 28 and 31 as obvious over Luxton '183 in view of Royer '821 and Barr '038.

Please amend the above-identified application as follows:

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The undersigned certifies that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

FEB. 4, 2005  
Date

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Thomas C. Saitta